

REMARKS

A. Status of Claims

Claims 7, 8, 10, and 11 are pending in the application. Claims 7, 8, 10 and 11 are rejected.

Claim 7 has been amended to delete the recitation of “intra coronary,” as not necessary to the invention.

The Examiner is thanked for conducting a telephonic interview on April 9, 2007. A Statement of Substance of Interview is submitted herewith.

B. Claim Rejections - 35 U.S.C. § 112

Claims 7-11 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the amendment to claim 7 reciting that the administration is “by direct intra coronary injection into heart muscle” is not supported by the specification, and, accordingly, constitutes new matter.

Claim 7 has been amended to delete the words “intra coronary.”

In the interview, the Examiner agreed that this amendment would overcome the rejection.

Also, in the interview, the Examiner stated that he might issue another Office Action rejecting the claims for obviousness-type double patenting over some or all of the claims of commonly owned USP Nos. 6,248,722 and 6,989,374.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 10/615,292

Atty. Docket No.: Q75927

In order to obviate any potential rejection, submitted herewith are terminal disclaimers with respect to both patents.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

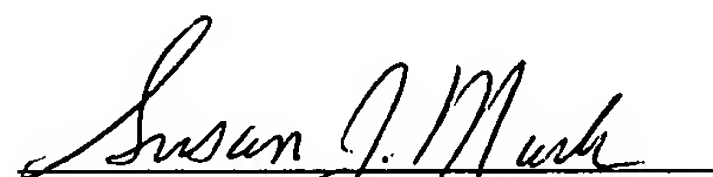
Respectfully submitted,

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